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SQUADRON REPORTED

Russian Fleet Occupied Kamranh Bay, Cochin-China.

I'T REMAINED 48 HOURS

TOKYO SURPRISED, BECAUSE IT IS A FRENCH PORT.

Officials at St. Petersburg Confident Rojestvensky Will Take Precautions to Prevent Torpedo Attack.

TOKYO, April 17.-It is calculated here that the Russian squadron arrived at Kamranh bay at noon April 12, and therefore had been occupying the port forty-eight

hours when seen at noon April 14. The information received regarding vessels of the Russian squadron being seen at Kamranh bay April 14 reached Tokyo today and was given to the public through a brief communication from the Navy Department. The news was a surprise, because it was generally doubted that France would permit the use of her ports to a bel-ligerent squadron engaged in offensive op-

The Japanese government is silent on the subject of its intentions, but it is expected that it will make immediate representations to France. The response of France is eagerly awaited, particularly as to whether France admits the squadron is within territorial waters.

France denied that the Russian squadron was within territorial waters when off Madagascar. If she denies it in this in-stance it will give Japan an opportunity to attack the Russian vessels without violating France's neutrality. Many people continue to believe the Russian squadron will speedily leave Kamranh bay and continue its voyage northward.

NEWS AT ST. PETERSBURG.

Russian Officials Confident in Rojestvensky's Ability.

ST. PETERSBURG, April 17, 11:55 a.m.-The news that vessels of the Russian squadron have put into Kamranh bay, north of Cape Padaran, off the east coast of Cochin-China, bears out statements contained in these dispatches a week ago to the effect that Admiral Rojestvensky probably would seek shelter off that part of the Cochin-China coast, and there coal and make his final preparations before embarking on the final stage of his journey. No definite information is obtainable as to the length of the squadron's stay at Kamranh bay, or whether the warships have already sailed, the admiralty, even if it knows, being naturally silent on this

"You may be sure." said an officer, "that every precaution will be taken against a torpedo attack. Rojestvensky can be re-lied upon to protect his ships." Among naval men the idea that Admiral

Rojestvensky has divided his squadron is not entertained. No confirmation has been received here of the reported naval engagement north of the Natuna Islands which, according to the British steamer Telemachus, which

has just arrived at Hongkong, took place 150 miles north of the Natuna Islands in the afternoon of April 12.

Russian Officer's Views.

A high-placed admiral expressed to the Associated Press today the firm conviction that Admiral Togo would not give battle near the Pescadore Island, Formosa Straits, He said: "It would be a great tactical error to concentrate his squadron 800 miles from Japan and run the risk of having Rojestvensky slip by when by remaining in home water Rojestvensky must come to him in order to reach his only base, Vladi-

vestok.
"All the Tokyo dispatches about the proc lamation of martial law in the Pescadore Islands and the probable presence of a Japanese squadron in Formosan waters were sent as blinds. We do not know Rojestvensky's plans. He has worked them out himself, and knowing the admiral as I do his own flag cantain was probably as I do, his own flag captain was probably in the dark when he entered the China sea We have complete confidence in Rojestvensky's resourcefulness. He labors under disadvantages so far as the speed of his vessels is concerned, but the reports of the condition of his ships and crews and the latter's skill in gunnery, as shown by their target practice, are better than we considered possible, and we firmly believe he has more than a fighting chance of whipping Togo in an open fight." The officials here say that no government

dispatches have been received. They have been privately informed that the Russian squadron was off the coast of Indo-China two days ago, but are positive that the squadron is now further north-probably sheltering along the coast of Annam. This locality is considered particularly dangerous owing to the rocky coast, the currents and

the prevalence of tropical storms.

The appearance of a case of beriberi at Salgon causes apprehension as the malady resembles yellow fever and is similarly in-The halt of the Russian squadron apparently was due to Admiral Rojestvensky's

desire to have an opportunity to communi-cate with St. Petersburg and gather information concerning the movements of the

Torpedo Boats Shipped.

SEBASTOPOL, April 17 .- Several torpedo boats which Lewis Nixon of New York has been setting up here, have been completed

and shipped to Vladivostok

COLLIERS CAPTURED. Japanese Seized Large Number Off

Cochin-China. SAIGON, April 17.—The Japanese recently captured a large number of coiliers off the coast of Cochin-China,

Six men, supposed to be Japanese, landed some days ago at Cape St. James, near here, from an Annamese junk, and after a brief stay re-embarked.

A number of Russian warships are anchored in Kamranh bay, where they are revictualing.

The steamer Eridan, which was purchased by a local French firm, sailed yesterday evening with a full cargo of pro-

visions for the squadron.

The health of the Russians is remarkably good. Only eight deaths from disease have occurred since their departure from Eu-

rope out of an effective totaling of 18,000 A Russian officer suffering from beriberi is in the hospital here. The other sick

men who were brought here by the Russian hospital ship Orel include Prince Cantacuzene, but the reports that the Orel had wounded men on board are unfounded, as there had been no fighting up to the time

Prince Michael Cantacuzene, who married Miss Julia Dent Grant in 1899 is the head of the house and is an officer of the im-perial guard. The Prince Cantacuzene in the hospital at Salgon apparently is a naval

e Kvening Star.

No. 16,275.

WASHINGTON, D. C., MONDAY, APRIL 17, 1905-TWENTY PAGES.

TWO CENTS.

Cochin-China, about 200 miles northeast of

FREIGHT FOR JAPAN.

Shipment From San Francisco-Fears for Its Safety.

SAN FRANCISCO, Cal., April 17.-The steamship Manchuria will sail for the orient tomorrow with a cargo of 10,000 tons of freight, mostly for Japan. The cargo s mostly of a character that would be considered as contraband of war by the Russians, and consists of not only foodstuffs, out heavy machinery for the railroads and bridges of Manchuria.

In view of the possibility of Admiral Rojestvensky defeating Admiral Togo on the sea, somewhere on the Asiatic coast, some anxiety exists regarding the safety Manchuria and she will call at Midway Islands to receive instructions.

RUSSIAN SAILOR RESCUED.

Rejoined the Squadron at Saigon-Cruiser on the Rocks. SAIGON, April 17.-The Russian sailor

who fell overboard in the Straits of Malacca and who was rescued after floating twelve hours on a plank, was brought to Saigon, whence he has rejoined the squad-

Admiral Bayle has signed a contract with a Hongkong firm for the salvage of the French armored cruiser Sully, which ran on rocks in Allong bay, early in February. The firm will be paid \$300,000 if it succeeds in raising the cruiser. The Sully is still fast

Steamer Appeal Rejected. NAGASAKI, April 17.-The appeal in the case of the British steamer Nigretia seized by the Japanese cruiser Tsushima December 30 off the coast of Korea and condemned as a prize January 5 has been rejected. The vessel and her cargo have been confiscated.

AMERICAN ATTITUDE.

Russian Paper Says People Are Hostile and Government Friendly.

ST. PETERSBURG, April 17. - A very marked change in tone toward the United States is noticeable in the newspapers which usually voice the opinion of the government, many of which dwell on the manifestations of a friendly disposition at Washington.

The Novoe Vremya, discussing the question of foreign sympathy, remarks upon the distinction between the attitudes of the governments and peoples, the French masses, for example, earnestly desiring a Russian victory, while the French financiers are doing everything possible to bring about the conclusion of peace. In the United States, the paper adds, the people appear to be hostile, but the government is friendly.

JOINED THE RALEIGH.

Torpedo-Boat Destroyers Arrived at British Borneo.

LABUAN, British Borneo, April 17 .- The United States torpedo-boat destroyers Barry and Chauncey arrived here this morning from the Philippines to join the United States cruiser Raleigh, which, however, had already left. The destroyers did not sight any Russian

or Japanese vessels. The Raleigh left Labuan, heading north, on the morning of April 14.

SENATOR MARTIN ACTIVE. Will Address Voters at Suffolk, Va., Tonight.

Special Dispatch to The Evening Star. NORFOLK, Va., April 17.-Senator Thom-S. Martin, who is in the midst of a heated campaign in which Gov. Montague is opposing him for re-election to the senate, arrived here today and after spending some time with party friends left for Suffolk, where he addresses a mass meeting of Nansemond county voters this evening.

MRS.C. DANZMUSTHANG

PENNSYLVANIA SUPREME COURT DECLINED TO INTERFERE.

PHILADELPHIA, April 17.-By a vote of 5 to 2 the supreme court today decided that Mrs. Catharine Danz must hang for the murder of her husband, William G. Danz. George P. Hossey, a colored voodoo doctor, has also received the death sentence for the part he took in the murder of Danz. Danz died under peculiar circumstances, and a post-mortem examination of the remains revealed the fact that he had died of arsenical poisoning. Both Mrs. Danz and Hossey were arrested, charged with the murder of Danz. The woman testified that she had bought powders from Hossey and administered them to her husband for the purpose of curing the drink habit. She claimed not to have known the contents of the powders. Hossey was first placed on trial and convicted of having sold powders containing arsenic and which, the prosecution alleged, killed Danz.

At the conclusion of Hossey's trial Mrs. Danz was tried on the charge of murder for having administered the poisonous powders. She was also convicted and both were sentenced to be hanged. An appeal was taken to the supreme court by the woman's counsel, but today's decision leaves only the pardon board between the woman and the gailows.

GERMAN STEAMER STOPPED.

Held for Two Hours by Three Russian Cruisers.

HONGKONG, April 17. - The German steamer Brunhilde arrived here today from Singapore and reported that she was stopped for two hours by three Russian cruisers, April 14, thirty miles north of Cape Padaran. The Brunhilde counted altogether thirty-three vessels steaming north-northeast at ten knots. The ships appeared to be in good condition.

A report is current here that a portion of the Russian squadron has reached a bay Chinese waters northward of Hongkong.

Cape Padaran, off the east coast of Cochin-China, is not far south of Kam-ranh bay, where it is reported a number of warships are anchored and revictualing.

NEW CRUISER MARYLAND.

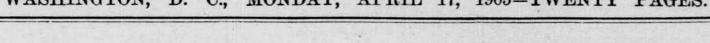
Plans Ready for Commissioning at Norfolk Yard Tomorrow.

Special Dispatch to The Evening Star. NORFOLK, Va., April 17 .- Everything is in readiness for the commissioning of the new cruiser Maryland tomorrow at the yards of her builders, the Newport News Ship Building and Dry Dock Company, Her crew have all been assembled here and will

perial guard. The Prince Cantacuzene in the hospital at Saigon apparently is a naval officer.

Rejoined French Cruiser.

Admiral de Jonquieres has rejoined the French cruiser Descartes in Kamranh bay,





The China Sea, Where the Russian and Japanese Fleets Will Probably Fight.

WAS AGAIN POSTPONED

Trial of Nan Patterson Subject of Another Delay.

PROBABLY FOR 24 HOURS

FINAL RULING ON SURRENDER

OF SMITH PAPERS AWAITED.

Counsel for Latter Renewed Motion He Be Allowed to Inspect Grand Jury Minutes.

NEW YORK, April 17.-The trial of Nan Patterson for the murder of Caesar Young, which was postponed from last Monday, was again postponed today when the case was called in the court of general sessions. The delay this time, however, probably will be for twenty-four hours, since the only thing awaited is the final ruling of Justice Gaynor on a motion asking that District Attorney Jerome be ordered to surrender the papers confiscated when J. Morgan Smith and his wife were arrested at Cincinnati. The motion for an adjournment until tomorrow which was made by Assistant Attorney Gans, was strenuously op-posed by counsel for the prisoner.

Herbert B. Limburger, counsel for J. Morgan Smith and his wife, appeared before Justice Foster and renewed his motion that he be allowed to inspect the minutes of the grand jury which indicted them on a charge of conspiracy. It was opposed by representatives of the district attorney's office and argument was postponed until to-

Counsel for the Smiths also asked that the district attorney be instructed to answer to his demurrer to the indictment against the Smiths for conspiracy. He then asked that District Attorney Jerome be compelled to answer the mandatory order to show cause why the Smiths' letters confiscated in Cincinnati should not be return-

Mr. Limburger said he had been unable to serve the order on either Mr. Jerome Assistant District Attorney Rand. Justice Foster said he thought the dis-trict attorney would be ready to answer

Hoped That Trial Would Have Started. With the last known objection to the beginning of the trial removed, it was expected that Nan Patterson, the former show girl, would appear in court for the third time today to answer to the charge of killing Caesar Young, a wealthy bookmaker and turfman.

The first trial was interrupted by the ill-ness of a juror when it was about half finished, and then there was a wait of months before the girl publicly faced her accusers. This time the jury after hearing all the evidence was unable to agree, and she was obliged to go back to the Tombs prison to candidate, but they do await the convenience of the courts and of electing their man. the district attorney before making another effort to regain her freedom. When there seemed no prospect of an immediate trial Miss Patterson's counsel pro-

cured a writ of habeas corpus about a month ago and had her taken into the supreme court, when a request was made that a date for trial be fixed at once or that a date for trial be fixed at once or the young woman be released on bail.

As a result of this proceeding District Attorney Jerome was ordered to place Miss Patterson on trial before May 1. A few days later it was announced that April 10 had been assigned for the beginning of the trial. A few days before that date, how-

ever, J. Morgan Smith and his wife, Miss Patterson's sister, who had been sought by the prosecution for months as witnesses against the young woman, were located in

Cincinnati. The grand jury indicted them on a charg of conspiracy in connection with the Pat-terson case and they were arrested and held for extradition. Their refusal to come to New York voluntarily resulted in a postponement in the opening of the trial until today.

In the meantime the Smiths gave up the fight against extradition and they are now in the Tombs. Since their return from Cin cinnati, however, it has been said that they may not be called as witnesses after all.

It is expected that the present trial will develop some features that were altogether acking when the case was in the courts be fore. Rumors of new witnesses and of promised sensations by both prosecution and the defense were plentiful today. None of these probably will be brought out for some time, however, as it is expected that several days at least will be required to

select a jury.'
She breakfasted heartily on a large steak, eggs, fried potatoes, bread and cof-fee. She was exceptionally cheerful and expressed great satisfaction that her trial was at hand. After she had breakfasted she talked about her trial today. "I feel most confident about the outcome," she said. "The only thing that has made me despondent at any me has been the delay. I feel sure that the presence of my sister and my brother-in-law, Julia and J. Morgan Smith, will aid me greatly,

and will help to sutain me during the time I am in the court room.
"One thing that makes me feel very confident of acquittal is the fact that Mr. Rand, who prosecuted me before, has asked that the indictment charging me with conspiracy be dismissed. I am very, very happy over that, and I think ot is most significant.' Lawyer Levy, senior counsel for Nan Patterson, said today in regard to Mrs. Thomas Burns, the new witness discovered

by the prosecution:
"I don't believe that the testimony of this new witness, Mrs. Burns, will prove to be of any importance. I am positive her testimony won't hurt Nan. I never heard of this woman until I heard of her today. I doubt whether she will testify to what the district attorney says she will. If this is all she knows she will be unable to prove

that Young did not have a pistol.
"I have no witnesses. We will conduct our case along entirely different lines from the two preceding trials. I expect this trial to be much shorter than its predecessors. We are sure of freeing Nan absolutely. There will be no disagreement. Acquittal is the verdict we will receive. This girl is entirely innocent, and the main fact is becoming more and more strongly impressed on every one.'

SENATOR HEMENWAY'S SUCCESSO He Will Be Named at the District Convention Tomorrow.

Senator Hemenway of Indiana and Joseph B. Kealing, United States attorney of that state, were at the Treasury Department today. They had a long talk with Controller Tracewell, Indiana politics entering into the subjects under discussion. Mr. Hemenway's successor as a member of the House of Representatives will be named by the republicans of his district tomorrow, when the district convention will be held. There are two candidates in the field, and the fight is a fierce one. Mr. Hemenway has kept aloof from the con-test. Both of the candidates have been his friends, and he does not care to favor or oppose either. The democrats will name a andidate, but they do not have much hope

THE PRESIDENT'S RETURN. Will Pass Through Nebraska Without Any Stops.

LINCOLN, Neb., April 17.-Letters re-

Members of the Pension Board of Review.

UNLESS THEY RESIGN

COMMISSIONER WARNER HAS MADE UP HIS MIND.

A Hint Given That Their Resignations Would Be Accepted-Form of

Punishment Necessary.

The ten members of the board of review of the pension bureau, who have been under charges of approving pension applications of non-pensionable applicants, will be dismissed from the government service unless they take the hint that has been given them and resign.

Official announcement of the punishment has not been made and officials of the department decline to discuss the affair, be yond stating that when action is taken due publicity will be given. But it is known beyond doubt that Commissioner Warner has made up his mind as to the form of punishment to be meted out, and a high official of the bureau, who is in the confidence of the commissioner, visited each of the men under charges this morning and in his personal capacity advised them to resign. \$2,000; James A. Compton, \$2,000; Manuel Johnson, \$2,000; George T McWhorter, \$2,000; William E. Dulin, \$1,800; Roland C. Cheeseman, \$1,800; William Hatton, \$1,800: Georg P. Meyer, \$1,800; Herbert H. Ray, \$1,800 and Ashland B. Swiggett, \$1,800.

All Are Veterans.

Of the ten men slated for dismissal, six are veterans of the civil war, and every one of them has been in the department service over twenty years. Mr. Denison is the oldest employ of the lot, having received his original appointment in the departmental service April 6, 1863, forty-two years ago. Mr. Myer has been in the service the shortest time, having been appointed a clerk in 1883, twenty-two years ago. None of the members of the board that are affected by the decision of the commissioner have been on the board of review all the time of their service in the department. Mr. Ray has held his present rate the longest, having been placed in the \$1,800 class in 1884; Mr. Swiggett comes next, his appointment to his present position dating in 1885, while Mr. Mye is the newest member of the board, hav ing been there but three years. The appoint-ments of the other members date from 1888 to 1897, five of them having received their appointments in the latter year. It is by reason of the fact that they have been in the service so long and are presumably so familiar with the rules and regulations of the pension bureau that Commissioner Warner has dealt with them so severely. The commissioner has considered carefully all the evidence in the cases and is said to have reached the

conclusion that he can do nothing but dis

way than by dispensing with their serv-First Time in Many Years.

This is the first time in many years that there has been reason for such a wholesale dismissal "for cause" in the pension bureau, and of such high officials. This is the first time for many years that such errors have been discovered in the conduct of the pension business, and these two facts together make the affair one of vast importance to the people employed in the pension bureau. It will be remem-bered that publication was given the facts in the case exclusively in The Star last Monday. At that time the statement was made that the ten members of the board of review were under charges, and that the situation was one of great gravity. The causes which led to the action of the commissioner in preferring charges against the members of the board resulted from the granting of six application for pensions to

persons not entitled thereto.

The history of the cases dates back to May, 1904, when an application for pen-sion from a man who had served in Col. McCall's Erie regiment of Pennsylvania militia was received and approved by the board of review. This board, it is stated, is the final arbiter on pension claims, and is the man arotter on pension claims, and is composed of especially selected clerks, who, by their long service in the bureau and great familiarity with pension laws and the rules of practice before the office are considered especially qualified to pass upon all claims for pension and make the final decision as to whether the applicants thereof are pensionable or not. It is on thereof are pensionable or not. It is on the word of the board of review that the commissioner depends when the pension is brought to him for signature. An an additional safeguard to the country the board is divided into two sections known as the reviewers and re-reviewers. The reviewers take up the cases first and pass upon them, and then the re-reviewers ex-amine them to make sure they are cor-

Thus the board is supposed to know every rule and regulation, and it is extremely difficult for a case that is without merit to get through it. In fact, during the past year more than 150,000 pension claims were handled by the board and but eight unjustifiable claims passed through, the claims on which the charges were based against the members cited herewith.

History of the Regiment. The history of the McCall regiment is

well known to employes of the pension office, inasmuch as a test case was made of it many years ago, and it stands, or is supposed to stand, clearly defined in their minds. The regiment in question was or-ganized in 1861 by Col. McCall at Erie, Pa., at the time of the first call of President Lincoln for 75,000 volunteers to be used in putting down the rebellion. The regiment was conveyed to Pittsburg, where its serv lices were tendered to the government. When it arrived on the ground, however, the quota of the state of Pennsylvania was full, and the men were not accepted as valuatears. They remained in carmy of olunteers. They remained in camp at Pittsburg, however, for three months be-fore returning to their homes, many of the men securing their discharge and enlisting in other regiments. A claim for pension from one member of the regiment was re-ceived some years ago and passed through the usual channels and up to the highest authority on the pension laws. It was re-jected on the ground that the regiment had never been in the United States service, and Its members were, therefore, not pen-

Several weeks ago Commissioner Warner received a letter from a lawyer in Pennsylwania asking him why it was a client of his who was a member of the regiment was rejected as a pensioner when several other men, whom he named and who likewise saw service only in the regiment, were enjoying the benefits of a pension. Mr. Warner immediately made an investigation and found for nediately made an investigation and found that six claims for pensions from members of the McCall regiment had been granted and that two claims for pensions from members of a regiment of New Jersey militia of the same status had also been allowed. An investigation to discover the names of the members of the board of review who passed

upon the cases brought to light the offend-ers, and Commissioner Warner promptly called upon them to show cause why their services should not be dispensed with. The replies to these charges were all received last week, and in each one the defendants pleaded guilty and asked for mercy. Com-missioner Warner was disposed to be merciful at first, but it is now understood he has made up his mind to dismiss the men. They were therefore told this morning that their resignations would be received if they cared to present them.

STRIKERS REVENGEFUL

SEVEN MEN KILLED AT INTER-VALS FOR STAYING AT POSTS.

Special Dispatch to The Evening Star. NEW YORK, April 17 .- A cablegram from Warsaw says: During the recent strike twenty-seven workmen at the gas works remained at their positions, working under guard, and kept the city lighted, thus forcing the strike to terminate. Strikers swore vengeance against these men, and, in spite of guard, under which they have worked ever since, they have picked off seven of the twenty-seven at intervals. Some victims were stabbed and others were shot.

been attacked. Three have been killed and five wounded. Sensation at Warsaw.

Police who guarded the men have likewise

By the Associated Press. WARSAW April 17 .- Something of a sensation has been caused by the simultaneous appearance in all the Polish papers of a petition to the governor general in the Pol-

PHYSICAL EDUCATORS. Large Attendance at Opening Session

in New York

NEW YORK, April 17 .- Although arrangements had been made for the accommodation of only 150 persons, 350 delegates were in attendance at the opening session of the annual convention of the American Physical Education Association, which began here today. The sessions are held in the Teachers' College, Columbia University.
The president, Dr. Luther H. Gulick, di-The president, Dr. Luther H. Gulick, director of physical training of the public schools of this city, opened the convention with his inaugural address. He was followed by Dr. Dudley Allen Sargent, director of the Hemmenway gymnasium of Harvard, who read a paper upon "Useful Dancing," from a physical-training standpoint.

Among the other papers to be read today is one by Miss Elizabeth Burchemal of the Teachers' College on "Does Training in Dancing Contribute to General Grace of Carriage and Posture?"

STRIKER FATALLY ASSAULTED. Induced to Go for Liquor With Three and Attacked.

WHEELING, W. Va., April 17 .- John Speiser, a striker doing duty as a picket at the Whitaker iron works, was perhaps fatally assaulted today by three non-union fatally assaulted today by three non-union men. It is said Speiser was induced to go with the three men to the Ohio side of the river for liquor, and when the party reached there Speiser was set upon and beaten so badly that his recovery is doubtful.

Judge Melvin, sitting in the circuit court this afternoon, is hearing the arguments of counsel on a motion for the dissolution of the injunction granted the Whitaker company a short time ago. The strikers aver that there is no valid reason why the injunction should be perpetuated. The motion will likely be taken under consideration. conclusion that he can do nothing but dis-miss the offenders. There is no intermed-late course he can take in justice to the government, it is said, and much as he would like to mitigate the punishment per-sonally, by reason of the long and faith-ful service of almost every one of the men that are under charges, he has been forced to reach the conclusion that the service can be properly administered in no other

MILLIONS INVOLVED Struggle of New York City Street Railroads

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Evening Star or The Sunday Star the rate is

one cent a word each insertion-lowest

charge, 15 cents.

If you wish to adver-

DUE THE STATE UNDER THE FRANCHISE LAW.

Big Array of Legal Talent in the Argument for the Com-

panies.

Another battle royal between corporations and the law commenced in the United States Supreme Court today, promising to almost rival in public interest the famous Northern Securities case, which, by a coincidence, comes to a close today by the issuance of the court's mandate carrying out the concluding act in that celebrated litigation.

The case which came on for argument oday involves a struggle between the street railroads of New York city and the state of New York, over \$25,000,000 in taxes, said to be due the state under the franchise tax law. That law was passed by the legislature mainly as result of the vigorous urging of Theodore Roosevelt, when he was governor of New York. It was one of his favorite reform measures and he called an extra ses-sion of the legislature to perfect it after

the bill had been passed on the closing day of the regular session. The case has been fought through the the higher courts of the state of New York, the final decision being in favor of the tax law and against the railroads. Eminent counsel were present in court to-day to take up the argument. Julius M. Mayer, attorney general of the state of New York, and his assistant counsel, Louis Marshall, contended for the law. Such lawyers as Elihu Root, William D. Guthrie, Charles A. Collin and William F. Sheehan were in opposition. were in opposition

The Railroad Argument,

The railroad argument was that the errors asserted and urged are that the franchise tax law, by which the assessment of the special francises of the relators were made, is unconstitutional in so far as it purports to authorize the assessment and taxation of the intangible right or property included in the special franchises

of the relators, namely: First—As impairing the obligations of the ontract of the relators with the city and the state. Second-As depriving the relators of their

property without due process of law.

Third—As denying to the relators equal protection of the laws. There are a number of railroads parties to the litigation and different arguments apply to the several cases. The argument for the state sets forth, among others, these

"That no contract was created by the several statutes and ordinances which precluded the state from imposing a tax on the special franchises of the relator. "That the corporation operating a railroad in the subway is not the owner of a special franchise, but that the franchise is the property of the city of New York. The ownership of this franchise, residing as it does in the public under well settled cules, is not to be classified with property whose ownership is vested in individuals or private corporations.

vate corporations. "Exact equality is a practical impossibil-ity under any system of taxation and is not required. The present act treats with equal hand all owners of special franchises in like circumstances. The act has merely percircumstances. The act has merely permitted the deduction of a lien or charge against a special franchise and this act of grace cannot be contorted into one of injustice. A single rule is applied which operates with entire equality upon all in like circumstances. To require more of a system of taxation would require the impostem of taxation would require the impos-sible. To sustain the contention of the

plaintiff in error would nullify every known system of taxation."

Gov. Roosevelt's Message. Accompanying the briefs submitted to the Supreme Court today was the message of Gov. Roosevelt, to the New York legislature in 1899. Some extracts have a familiar sound to those who have read his recommendations to Congress on corporation regulation. The governor said:

"The line of cleavage between good and bad citizenship does not follow the line

dividing the men who represent corporate interests from the men who do not; it runs at right angles to it. We are bound to recognize this fact, to remember that we should stand for good citizenship in every form and should neither yield to demagogic influence on one hand nor to improper corinfluence on one hand nor to improper corporate influence on the other.

"There is no intention of oppressing the people who have put their money into franchises. If a franchise is worth very little it should be taxed very little; but where the franchise is of great value it certainly should be heavily taxed, and the value is, of course, based upon the use of the city's or the state's real estate. Such use of the proble real estate should not be given withpublic real estate should not be given with-

street railway or a gas company gives, precisely as the proprietor of a grocery store or dry-goods store also gives it, but also in the way of bearing a just share of the burden of taxation. "We are the true friends of the men of means, we are the true friends of the lawful corporations which do good work for the community when we insist that the man of means and the great corporation shall pay their full share of taxes and bear

out substantial returns, not only in the way of service to the public which, of course, a

their full share of the public burdens. REFUSED TO GRANT WRIT. Supreme Court Decides Against John

A. Benson. The Supreme Court of the United States today, through an opinion by Justice Brown, affirmed the decision of the New York federal court, refusing to grant a petition for a writ of habeas corpus in the case of John A. Benson, who is resisting removal to the District of Columbia for trial on the charge of conspiracy to defraud the government in connection with land frauds on the Pacific coast.

INSPECTION OF BEER. Supreme Court Sustains the Missouri

The Supreme Court of the United States today affirmed the decision of the circuit court for the eastern district of Missouri in the case of Pabst against Crenshaw, attacking the validity of the beer inspection law of the state of Missouri. The effect of this decision is to sustain the law as not antagonistic to the commerce clause of the Constitution. The pointon was delivered by Justice White. The Chief Justice and Justices Brewer, Brown and Day united in a dissenting opinion.

KENTUCKY LAW INVALID.

National Banks Required to Make Returns for Taxation.

The Supreme Court of the United States day affirmed the decision of the United